

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS**

<b>DEBORAH ANN COLLINS, individually</b>	§	
<b>and on behalf of all others similarly</b>	§	
<b>situated,</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>CIVIL ACTION NO. 4:25-cv-00088-SDJ</b>
	§	
<b>FALAYA, LLC,</b>	§	
<b>Defendant.</b>	§	
	§	

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**DEFENDANT’S UNOPPOSED MOTION TO EXTEND TIME TO ANSWER OR  
OTHERWISE RESPOND TO COMPLAINT**

Defendant Falaya, LLC (“Defendant”) respectfully moves for an order extending the time for Defendant to file a responsive pleading to Plaintiff Deborah Ann Collins’ (“Plaintiff”) Original Complaint (the “Complaint”), and in support thereof states as follows:

1. On January 30, 2025, Plaintiff filed her Complaint, individually and on behalf of all others similarly situated, against Defendant, alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the “TCPA”).<sup>1</sup>

2. Defendant’s registered agent was served with the Complaint on February 4, 2025.<sup>2</sup> However, Defendant was not provided notice of the Complaint by its registered agent until several days after the purported service occurred.

3. Currently, Defendant’s deadline to answer or otherwise respond to the Complaint is February 25, 2025. This Motion is timely, as it is filed before the original deadline to file a responsive pleading.

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<sup>1</sup> Dkt. 1.

<sup>2</sup> Dkt. 2. Defendant does not concede that service has been properly effected at this time, nor does Defendant concede any available objections based on any defect in service of process that Defendant may raise via motion to dismiss.

4. Defendant requests a 30-day extension to answer or otherwise respond to Plaintiff's Complaint, making the new deadline to respond March 27, 2025. An extension is necessary and will allow Defendant time to fully investigate and respond to the allegations contained in Plaintiff's Complaint as undersigned counsel was only retained by Defendant for this matter on February 19, 2025.

5. Further, the requested extension will grant the parties time to negotiate a possible resolution of the claims asserted against Defendant.

6. Matters impacting the efficient resolution of cases before the Court, including the extension of various deadlines, fall within the Court's inherent and discretionary authority.<sup>3</sup> This Motion is made in good faith, not for the purposes of vexation or delay, and will not prejudice any party to this lawsuit. Granting Defendant time to carefully review and investigate Plaintiff's claims so it may fully respond to the Complaint—and allow the parties to negotiate a potential settlement—will promote “the just, speedy, and inexpensive determination” of this action, and supports a finding of good cause to extend Defendant's answer deadline.<sup>4</sup>

7. Defendant's counsel conferred in good faith with Plaintiff's counsel to request an extension. Plaintiff's counsel stated they are unopposed to the requested extension.

8. A proposed Order is submitted for the Court's consideration.

### **PRAYER**

For these reasons, Defendant Falaya, LLC respectfully requests that the Court enter an Order extending the time for Defendant to file an answer or otherwise respond to Plaintiff's Original Complaint to March 27, 2025.

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<sup>3</sup> See FED. R. CIV. P. 6(b).

<sup>4</sup> FED. R. CIV. P. 1.

Respectfully submitted,

**PHELPS DUNBAR LLP**

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**ATTORNEY FOR DEFENDANT  
FALAYA, LLC**

**Certificate of Service**

I certify that on this 25<sup>th</sup> day of February 2025, a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system, which will send a notice of electronic filing to all counsel of record in this proceeding.

/s/ Brandon A. O'Quinn  
Brandon A. O'Quinn

**Certificate of Conference**

I certify that on this February 21, 2025, Defendant's counsel conferred with Plaintiff's counsel, who advised Plaintiff is unopposed to the extension requested in this Motion.

/s/ Brandon A. O'Quinn  
Brandon A. O'Quinn